

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN FRANCISCO UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2013100890

ORDER GRANTING REQUEST FOR
CONTINUANCE OF PREHEARING
CONFERENCE AND DUE PROCESS
HEARING AND DENYING REQUEST
FOR CONTINUANCE OF MEDIATION

On November 8, 2013, the parties filed a joint request with the Office of Administrative Hearings (OAH) to continue the initially set dates in this matter to permit a tentative settlement agreement be reviewed by the school district board.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted in part and denied in part. All dates are vacated. The parties' request for a mediation date of December 23, 2013, cannot be provided as OAH does not conduct mediations on a Monday. If the parties can agree upon a date that is on Tuesday, Wednesday or Thursday, they may contact OAH to reschedule. This matter will be set as follows:

Prehearing Conference: February 24, 2014, at 10:00 AM
Due Process Hearing: March 3, 2014, at 1:30 PM, March 4 – 6, 2014, at
9:00 AM, and continuing day to day, Monday
through Thursday, as needed at the discretion of the
Administrative Law Judge.

IT IS SO ORDERED.

Dated: November 12, 2013

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings